



LEGAL BRIEFS

From the Fort Knox Claims Office

7 February 2001

VEHICLE DAMAGE & LOSSES

The Claims Office continues to receive inquiries on collisions between motor vehicles and deer. Deer that are feeding in the late evening hours or those that are up and moving in the early morning hours have been the cause of numerous accidents on post. Drivers should be advised that claims submitted to the Army for collision damage caused by striking or being struck by an animal are not considered payable by the Army Claims Service. In such situations the vehicle owner must look to his/her own insurance coverage for reimbursement for this type of damage. Check with your insurance agent to make sure you are fully protected for such accidents.

A second issue that has surfaced lately, involves storing personal property in the passenger area of a vehicle while the vehicle is parked and left unattended. Whether the vehicle is being used on TDY or just for ordinary personal errands, the guidance from the Army Claims Service applies equally. The only items that can be left in the vehicle passenger area are items like sunglasses, car seats, up to 10 CDs or cassette tapes and coffee mugs. Claims for cameras, briefcases, cellular telephones, personal CD players, wallets, credit cards, phone cards, and other items of high value cannot be paid if a theft occurs, even if the vehicle is locked. Additionally, removable face stereo components or slide out models must be removed from the vehicle, except when to do so would be unreasonably burdensome on the claimant.

Trunk storage is authorized for a short term, when errands are being run, but not for overnight storage. Thus, a camera left in the trunk while the owner is shopping for groceries would be payable. But, if left in the trunk overnight, the camera would not be payable if a burglar broke in and stole it.

Finally, if a high value item is left in plain view in the passenger area, and a thief breaks into the vehicle to steal the item, the damage he caused to the vehicle to make the break-in is not payable, since the damage would not have occurred but for the negligence of the claimant in leaving the high value item in plain view. For example, a soldier on TDY using his own vehicle as more

convenient to the Government, leaves his briefcase in the rear passenger seating area when he goes into his motel for the night. The next day when he comes out to the vehicle, he finds that a rear window has been broken in and his briefcase, coffee cup, Oakley sunglasses and radar detector are gone. If he files a claim with the Army, the briefcase and contents will not be payable. The damage to the window would not be payable because the break-in would not have occurred except for the briefcase sitting in the rear seat area as in inviting target for the thief. The radar detector is not considered to have any legitimate purpose, but is rather a device used to evade speed limits, so under Claims Service guidance that item would not be payable. The coffee cup and sunglasses would probably be payable.

Please insure that when you park and lock your vehicle, you check the interior to make sure that high value items have been removed. When parking over night, remove all valuables from the passenger area and trunk, and store them in your motel room or quarters.

M.J.Brawley
Ch, Claims